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### 720.1 APPLICABILITY

A Common Driveway is a driveway used as common access to two or three lots which cannot serve more than three lots in total. Common Driveways shall access lots from no more than one access point on an existing street or a street shown on an approved subdivision plan. A Common Driveway shall access lots over a portion of the approved frontage of one of the lots served. Common Driveways shall not satisfy zoning frontage requirements. **Access for the frontage must be actual and not illusory. The Planning Board may find frontage to be illusory if the frontage would fail to provide acceptable physical access as contemplated by MGL Chapter 41, Section 81M. Such failure may include, but is not limited to, the inability of the applicant to obtain an order of conditions under applicable state or local wetlands regulations for construction of the access, the presence of district physical impediments to threshold access, or extreme lot configurations. Where the propose development constitutes under the Subdivision Control Law, this By-law shall not comply.**

All Common Driveways shall require a special permit from the Planning Board. ~~except that Common Driveways less than five hundred feet in length serving two lots with adjoining legal frontage shall not require a special permit but will be subject to the provisions of Section 770, Site Plan Review, except that the application requirements shall be those necessary in the opinion of the Planning Board to demonstrate that the Common Driveway meets the Standards of Review of Section 770.6.~~

The provisions of Section 720, Common Driveways, shall not apply to any application filed with the Planning Board and Town Clerk pursuant to Section 720 **prior** to June 30, 2022.

### 720.2 PURPOSE

The purpose of this Section 720, Common Driveways, is to provide guidelines for the Planning Board to permit Common Driveways in order to reduce the number of access points on public or private roads; **to maintain safe access to residential lots for year round residential traffic and emergency vehicles;** to protect wetlands and sensitive natural areas from disturbance, including stormwater runoff; and to preserve a rural atmosphere in the Town of Scituate, when these driveways meet reasonable construction and design standards.

### 720.3 APPLICATION REQUIREMENTS

All applications for special permits for Common Driveways shall include a completed application form, fourteen copies of the Common Driveway Plan, and a proposed Common Driveway Agreement.

The Common Driveway Plan shall contain the Common Driveway; the Common Driveway easement; the area of the lots served ~~which falls within seventy-five feet of the Common Driveway easement for the common driveway;~~ the width and proposed surface of the Common Driveway with a cross-section including berms and cleared shoulders; and the locations of turnarounds for emergency vehicles. The Planning Board may require a locus plan showing the entire area of the lots served, the adjoining access road, and the Common Driveway. The Common Driveway Plan shall be prepared and stamped by a Registered Professional Engineer ~~or~~ **and** a Registered Professional Land Surveyor.

A note shall be placed on the plan, and the deed for each lot served by a Common Driveway shall include, a restrictive covenant stating that the Common Driveway shall never be considered for acceptance as a town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the properties served by the Common Driveway.

#### **720.4 ADDITIONAL INFORMATION**

The Planning Board may require additional information if they consider it necessary to review the adequacy of a proposed Common Driveway.

#### **720.5 COMMON DRIVEWAY EASEMENT AND AGREEMENT**

~~Prior to the approval of a special permit, an agreement for maintenance of the Common Driveway and drainage facilities shall be provided in a form acceptable to the Planning Board.~~

Proposed documents shall be submitted to the Planning Board with an application for a Common Driveway demonstrating to the satisfaction of the board through easements, restrictive covenants, or other appropriated recordable instruments that the maintenance, repair, snow removal, and liability for the Common Driveway shall remain perpetually the responsibility of all of the record owners of the lots served by the Common Driveway, or their successors-in-interest. Easement areas shall be shown on the Common Driveway Plan. Approved legal documents shall be recorded prior to a) issuance of building for any building to be served by the Common Driveway or b) construction of or improvements to the Common Driveway, whichever occurs first.

#### **720.6 PROCEDURE**

The Planning Board shall be the Special Permit Granting Authority for special permits for Common Driveways. The procedure for approval of special permits for Common Driveways shall meet the applicable provisions of Massachusetts General Laws, Chapter 40A, Sections 9 and 11. ~~Thirteen~~ **Fourteen** copies of the application and Common Driveway Plan shall be submitted with the special permit application **along with an electronic copy of all materials submitted.**

The Common Driveway Plan approved by the Planning Board shall be submitted for the Board's signature when the special permit is signed by the Planning Board. The special permit, Common Driveway Plan, and Common Driveway Agreement executed by the applicant shall all be recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and certified copies of each shall be forwarded to the Planning Board within six months of the approval of the special permit.

#### **720.7 DESIGN STANDARDS**

All Common Driveways shall conform to the following design standards:

- A. The location and construction of Common Driveways should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees of over 12" caliper and other natural features of special significance.
- B. Common Driveways shall have a minimum surface width of sixteen feet, exclusive of two-foot shoulders on either side cleared of brush and trees. With the agreement of the Fire ~~Chief~~ **Department in writing**, the minimum surface width of a Common

Driveway serving three lots may be reduced to fourteen feet, and for two lots, to twelve feet. The Planning Board may require one-foot wide Cape Cod berms and/or swales to direct drainage and infiltrate runoff.

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- C. No Common Driveway shall be allowed to be constructed off any cul-de-sac or dead end of a public or private way. No Common Driveway shall be connected or attached to any other Common Driveway. No Common Driveway shall be extended without prior approval of the Planning Board.
- D. Common Driveways shall be located within an easement which may allow space for installation of water lines and utilities as needed. Water lines and appurtenances shall be shown on the Common Driveway Plan. Underground utilities are encouraged for all Common Driveway construction. **Utilities, shoulders, signage, turnarounds and snow storage shall be clearly delineated in the easement area on the engineered plans.**
- E. Common Driveways shall be constructed using a minimum 12" thick sorted gravel sub-base. The base course and top course for paved driveways shall each be a minimum 1 1/2 " thickness. Surfacing with bank gravel, peastone, crushed stone or another permeable or semi-permeable surface may be recommended for use within one hundred feet of a wetland or in other sensitive areas.
- F. Common Driveways shall not exceed **one-thousand six hundred (600)** feet in length, measured from the street line to the end of the Common Driveway.
- G. Runoff draining onto abutting properties shall not exceed that which existed prior to construction of the Common Driveway **or to be concentrated at any one point of discharge. Runoff shall not discharge into the public way. The Design Engineer shall provide a drainage statement and sufficient analysis to support the proposed stormwater drainage system, including pre and post construction flows.**
- H. No driveway, parking or turning area or other impervious area shall be located above major components of a septic system, including septic tanks, leaching fields, and distribution boxes, except where approved by the Board of Health.
- I. To provide better traffic safety and reduce the visual impacts of traffic on abutting properties, the Planning Board may require Common Driveways to be set back from lot lines and/or screened with a buffer of trees and/or shrubs.
- J. Turnarounds for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire ~~Chief-Department~~. **There must be adequate directional signage provided identifying the addresses served by the Common Driveway for emergency vehicles and regular traffic at the common driveway entrance and at each lot served by the common driveway. Signage must be approved by the Planning Board in conjunction with 911-Fire officials.**
- K. Sight distances at the entrance of a Common Driveway along the intersecting road should conform to current American Association of State Highway and Transportation Officials (AASHTO) standards ~~-and be indicated on the plan.~~ **Minimum required stopping distance and intersection sight distance shall be provided. Intersection sight distance shall be measured a minimum of 15 feet from**

the edge of the road along the centerline of the proposed driveway at a height above the road surface consistent with AASHTO policy.

- L. The lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty-foot frontage lots.
- M. All portions of the common driveway shall be setback a minimum of 10 feet from any adjoining property lines, other than the property line for each of the residential lots to be served by the driveway.
- N. The common driveway shall be located a minimum of 50 feet from any existing driveway or public or private way (except for an existing driveway that is to be eliminated and revegetated.)
- O. The lots to be served by the common driveway shall each use the common driveway as the sole means of access.
- P. The common driveway shall have a minimum grade of 1% and a maximum grade of 7%.
- Q. The common driveway shall have corner radii of 25 feet at the point of intersection with the public way.

#### **720.8 CONSTRUCTION**

Construction of the Common Driveway shall be supervised by a Registered Professional Engineer who shall certify in writing to the **Planning Board and** Building Commissioner at completion that the driveway and drainage structures were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a Registered Professional Land Surveyor and the supervising engineer. As-built plans shall include the locations of easements for all drainage structures including swales and must be provided to the Department of Public Works, with a copy to the Planning Board, within three months of the completion of construction of a Common Driveway. The Building Commissioner shall not issue a final Certificate of Occupancy for a dwelling served by a Common Driveway unless the Building Commissioner **and Planning Board are** ~~is~~ satisfied that access, construction of the Common Driveway, installation of necessary utilities and site restoration are in full compliance with the approved plans and the special permit.

#### **720.9 SURETY**

An acceptable amount and form of surety for construction of the Common Driveway and drainage system shall be established by the Planning Board and provided to the Planning Board by the applicant prior to ~~approval of the special permit construction of the Common Driveway. The Department of Public Works~~ **The Planning Board or its designated representative** shall inspect the site and if it finds that all construction, including grading, loaming and seeding, clean up of earth materials and construction debris is complete, it shall so certify to the Planning Board. Thereafter, the Planning Board may release surety held under this Section.